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Item 10 (a) of the provisional agenda

FREEDOM OF MOVEMENT

POPULATION DISPLACEMENTS

Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 July 1997]

GE.97-13125 (E)

1. A continuous influx of Chinese settlers into Tibet, that has been going on since Chinese forces invaded Tibet in 1949, has increased in recent years owing to the Chinese urbanization of Tibet. This deliberate policy of population transfer, forcing or inducing people to move into or away from a territory, with the purpose or effect of transforming the demographic composition or political status of a given territory, is recognized as a violation of human rights.

2. On 20 August 1996, at its forty-ninth session the Committee on the Elimination of Racial Discrimination (CERD) expressed its concern about official Chinese policies in Tibet with respect to reports concerning incentives granted to members of the Han nationality to settle in autonomous areas, as that might result in substantial changes in the demographic composition and in the character of the local society of those areas. It further recommended to the Chinese authorities that any policies or practices that might result in a substantial alteration in the demographic composition of autonomous areas be reviewed.

3. Massive population transfer into Tibet has resulted in discrimination in housing, education, employment and social services. Because one of the aims of the transfer of Chinese settlers is to eradicate the Tibetans' distinct racial, cultural and national identity, it is discriminatory in and of itself. This has also been recognized by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1993/34 of 25 August 1993, in which it endorsed the conclusions and recommendations of a preliminary study on the human rights dimensions of population transfers (E/CN.4/Sub.2/1993/17), which found that population transfer is, prima facie, unlawful and violates a number of rights affirmed in human rights and humanitarian law for both transferred and receiving populations.

4. In the progress report (E/CN.4/Sub.2/1994/18) submitted to the Sub-Commission at its forty-sixth session Mr. Al-Khasawneh, in one of the conclusions said:

> "In circumstances when the purpose or method of transfer constitutes genocide, slavery, racial or systematic discrimination and torture, the transfer may qualify as a crime within the meaning of article 19 (part I) of the International Law Commission's draft articles on State responsibility and carry all the consequences for internationally wrongful acts and, in addition, those normally associated with crimes. Within this purview fall acts such as ethnic cleansing, dispersal of minorities or ethnic populations from their homeland within the State, and the implantation of settlers amounting to the denial of self-determination."

5. The large-scale transfer of Chinese into Tibet violates humanitarian and human rights law, including treaties which China itself has ratified. These include the International Convention on the Elimination of All Forms of Racial Discrimination, signed by China in 1982, and the Fourth Geneva Convention. Article 49 of the latter prohibits any occupying power to "deport or transfer parts of its own civilian population into the territory it occupies". The

application of article 49 extends for the duration of the occupation, while China exercises the functions of government in Tibet. Article 47 extends the Convention's protection regardless of the de facto status of Tibet today.

6. During the past 10 years the European Parliament has repeatedly denounced the officially-encouraged population transfer of ethnic Chinese into Tibet and called on the Chinese authorities to stop it immediately, condemning the human rights violations in Tibet, as well as the invasion and occupation of Tibet by the People's Republic of China, in its resolutions of 15 October 1987, 16 March 1989, 15 March 1990, 12 September 1991, 13 February 1992, 15 December 1992, 25 June 1993, 17 September 1993, 13 July 1995 and 14 December 1995. Similar concern and appeals have been expressed in resolutions of the Parliaments of Belgium and Luxembourg, and the German Bundestag, approved in the course of 1996.

7. The Chinese population within the region encompassing what Tibetans refer to as Tibet (both the Chinese-designated Tibet Autonomous Region (TAR) and the Tibetan autonomous prefectures incorporated into Qinghai, Gansu, Sichuan and Yunnan provinces) has increased substantially since 1949. At that time, according to both Tibetan and Chinese statistics, there were virtually no Chinese in the TAR and only a few hundred thousand in the bordering provinces. According to Chinese statistics, by 1953, there were 426,000 Chinese in Qinghai, Gansu, Sichuan and Yunnan provinces, though still none in the TAR, not counting soldiers. The 1982 census showed 1,541,000 Chinese in Tibet (including Tibetan autonomous prefectures) and 92,000 in the TAR itself.

8. Official Chinese figures for 1990 show lower overall numbers of Chinese (1,508,000) in Tibet, but independent observations indicate that the actual number of Chinese in Tibet is much higher and still growing. For example, according to the official Chinese census for the TAR in 1990 there were 67,000 Chinese, but a 1993 Chinese report indicated 118,000. On the other hand, a recent fact-finding mission to Tibet (led by Anders Anderson) conservatively estimated the total Chinese population in the remaining areas of Tibet at 5 to 5.5 million. Tibetan government estimates, however, put the number at over 7.5 million.

9. In contrast, the Tibetan population has declined drastically from over 6 million Tibetans in Tibet at the time of the invasion to about 4.6 million today, based on Chinese census figures and first-hand observations. Population transfer has therefore made the Tibetans a minority within their own country.

10. In 1994, the Government of China publicly acknowledged that it encourages and supports settlement in Tibet. The Government had previously denied any policy to relocate Chinese into Tibet, but other sources have acknowledged that such a policy has existed for decades.

11. Chinese government policies and programmes, moreover, encourage a large "floating population" to settle in Tibet. The Government has built housing, schools, hospitals and even shopkeepers' stalls to support the Chinese settlement. It has relaxed regulations to make it simpler to open a private enterprise in Tibet and substantial numbers of Chinese are taking advantage of this. The Government has been building and improving major roads connecting

Chinese provinces to Lhasa and other Tibetan cities, and is now working on railroad connections. A few years ago it reportedly removed all checkpoints on roads leading from neighbouring provinces to Tibet. The Government also resettles Chinese cadres and technical experts involuntarily and actively recruits others.

12. The impact on Tibetans of the massive transfer of Chinese settlers and soldiers has been devastating. Beginning in the 1950s, Tibetan farms and grasslands have been confiscated and incorporated into collectivized and communal farms. The rapid increase in settlers and soldiers, led to the worst famines in Tibet's history, with the death of over 340,000 Tibetans, because the land could not support the rapid increase. Ill-conceived efforts to boost productivity of lands suitable only for nomadic grazing or limited farming has resulted in widespread desertification.

13. Economic development projects, including the construction of roads, power plants, housing and office buildings, factories and large-scale agricultural/irrigation projects, have been carried out with primarily Chinese workers, even in unskilled positions. At the same time, Tibetans are being displaced from farmlands confiscated for construction sites.

14. Housing, schools and hospitals are primarily being built for the inflowing Chinese population, not for Tibetans. In Lhasa recently, thousands of Tibetans were removed from their homes and relocated to the outskirts of the city so that their homes could be razed to build housing for Chinese workers.

15. Perhaps the most insidious practice to accompany the Chinese settlement in Tibet is the restriction on child-bearing. The Chinese birth control policy is carried out in the whole of Tibet, in a very systematic and organized manner, through propaganda, coercion and strict regulatory measures.

16. In 1996, the Special Rapporteur on violence against women reported that through its one-child policy, the Government of China intruded into the domestic sphere by regulating and restricting the number of children a married couple might have and, at times, by violently enforcing that policy.

17. Every year the Chinese authorities determine the percentage of child birth (ranging from 3 to 5%) allowed for each community. It is mandatory for couples who wish to have a child to test their luck in a lottery system. If the couple is unlucky, then the mother, even if she is five or six months pregnant, must undergo an abortion. If a couple produces a child without going through the lottery system, they are fined and their child is deprived of a registration card, welfare facilities and educational opportunities in the future.

18. These measures in and of themselves violate the Tibetans' human rights. In the context of the massive Chinese influx into Tibet, they can only be explained by a concerted effort to see that the Tibetan people disappear under the waves of Chinese settlers.

19. Even Chinese government statistics show an overall decline in the Tibetan population since 1949 of over 1.4 million Tibetans, or one quarter of the pre-invasion population (from over 6 million to 4.6 million). Only a little more than 80,000 Tibetans have gone into exile. There is evidence that over 1.2 million Tibetans died as a direct result of the Chinese invasion and occupation from famine, military aggression, imprisonment, execution, torture and suicide. A decline in the Tibetan population of over 100,000 is unaccounted for, even putting aside the natural growth in the Tibetan population that would otherwise be expected.

20. The massive population transfer into Tibet with accompanying dislocation, discrimination, overburdening of the fragile environment and restrictive child bearing practices are threatening the very existence and survival of the Tibetan people and culture. The genocidal effect of population transfer on the Tibetan people is becoming only clearer with the passage of time.

21. That China's policies in Tibet constitute violations of all human rights, as recognized by international law, has been confirmed by a wide range of United Nations treaty bodies and special rapporteurs. The Sub-Commission on Prevention of Discrimination and Protection of Minorities must pay serious attention to the deteriorating situation of human rights in Tibet and China and discuss the situation in Tibet on its agenda. It should recommend, furthermore, the appointment of a special rapporteur to investigate the human rights situation in Tibet and China. We therefore call upon this Sub-Commission to take note of the seriousness of the situation of population transfer in Tibet and to provide all the possible means to change for better this critical situation.